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Lambda Letters Project

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Seeking Clarity in Complex Marriage Issue

By Boyce Hinman, Chief Lobbyist

The current status of same-sex marriage is complex. There are at least three ongoing processes, any of which could finally determine the right of same-sex couples to marry in California:

- A court challenge to the current law banning same-sex marriage
- A bill to establish the right of same-sex couples to marry
- Three proposed constitutional amendments to permanently ban same-sex marriage

Last year, San Francisco Mayor Gavin Newsom allowed same-sex couples to obtain marriage licenses in the city. The California Supreme Court stopped that process but allowed the San Francisco Superior Court to consider a challenge to the law banning same-sex marriage in California.

Superior Court Judge Kramer then ruled that the ban is unconstitutional. However, our opponents appealed that decision to the First District Court of Appeal in San Francisco.

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Important Health Message for Women

By Boyce Hinman, Chief Lobbyist

This month's Women's Issue letter was going to be about AB 813, a bill requiring the state to do more public education about women's heart and cardiovascular system health. However, the bill's author informed us that the chances of it being approved and sent to the governor are pretty slim. So we chose another bill to cover for this month's women's issue.

Even so, the underlying facts that make AB 813 such a necessity are apparently little known to many women. It is vital to urge women to carefully monitor the health of their heart and cardiovascular systems.

Think heart disease is just a man's disease? Think again. Heart disease is growing at an alarming rate among women. In fact, heart disease is the number-one killer of women, while stroke is the number-three killer. Every year since 1984, cardiovascular disease has claimed the lives of more women than men. One in four women have some form of cardiovascular disease, and one in three women will die from heart disease.

Cardiovascular disease claims more women's lives than the next seven causes of

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Domestic Partner Act Scores First Major Victory

By Joy Fisher, Legislative Analyst

In its first look at the impact of California's new Domestic Partner Act, the State Supreme Court has signaled its controlling nature on other state laws.

The Court ruled in Koebke *v.* Bernardo Heights Country Club that the Domestic Partner Act requires equal treatment for registered domestic partners and married couples under the Unruh Civil Rights Act (Civil Code section 51), which prohibits arbitrary discrimination by businesses against categories of persons. Since neither marital status nor status as a registered domestic partner is an enumerated category under the Unruh Act, the case required an interpretation of the law's intent by the Court.

Nevertheless, the Court reasoned its way to a ruling that domestic partners registered under the California Domestic Partner Rights and Responsibilities Act of 2003 are the "equivalent of spouses for purposes of the Unruh Act." The Court declared that "a business that extends benefits to spouses it denies to registered domestic partners engages in impermissible marital status discrimination."

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Lambda Letters Progress Report

Letters and Messages Collected

July, 2005	22,004 letters & e-mails
In all of 2005	249,737 letters & e-mails

Dollars Spent

July, 2005	$3,902
In all of 2005	$32,451

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

Lambda Letters Project

Our Mission

To promote the social, economic, and human rights of lesbian, gay, bisexual, transgender and intersex individuals, couples, and families; people affected by HIV/AIDS; people of color; and women. We do this by urging elected officials to enact and support legislation that accomplishes this goal.

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Have you experienced employment discrimination because of your actual or perceived sexual orientation or because of your age (40 and over), ancestry, color, creed, disability, marital status, medical condition, national origin, race, religion, or sex? Have you been denied family and medical care leave or pregnancy disability leave? If so, you may register a complaint with the Department of Fair Employment and Housing. In cases of employment discrimination, call the department at (800) 884-1684. In cases of housing discrimination, call (800) 233-3212. The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

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People of Color Issue

Apologize to Those Stripped of Rights, Property

By Boyce Hinman, Chief Lobbyist

After decades of encouraging Mexican immigration to the United States, the federal government, in close cooperation with states, cities, and counties, undertook an aggressive program in the early 1930s to uproot people of Mexican descent—at least 500,000 of them United States citizens—and forcibly remove more than a million people from this country. Many more left the country "voluntarily" (in the face of threats and acts of violence) rather than being forcibly sent to Mexico.

In the early part of the 20th century, American companies promoted increased (and at times unfettered) Mexican immigration into this country. Many growers, ranchers, manufacturers, and mine and railroad owners exploited cheap Mexican labor for decades. Only when the 1930s Depression hit the United States did chambers of commerce, civic organizations, and governments clamor for the removal of those of Mexican descent from the United States as an "act of patriotism," regardless of their status as citizens.

While the federal government's official position was to deport "illegal" immigrants only, the sweeps failed to discriminate among classes of immigrants. They spread terror throughout the colonias and barrios in rural and urban areas from Los Angeles to New York. Families were ripped apart as bread-winners were thrown into jail and then banished from their adopted country. Those living in the United States legally were sent back to Mexico, a land that was no longer their home. Those who were even born US citizens were "expatriated" to Mexico, banished to live in a country that was completely foreign to them.

Many of the people of Mexican descent who were caught in the raids did not have official documents simply because they had entered the country prior to the time when such documentation was needed, or because those with a transient lifestyle (for example, farm workers) had lost their papers.

Those of Mexican descent who had worked in the United States for years or had

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LGBTI Issue

Fight Discrimination By Businesses

By Shirin Buckman, Legislative Analyst

Please write to Governor Schwarzenegger and urge him to sign AB 1400, authored by John Laird (D–Santa Cruz). Also called the Civil Rights Act of 2005, AB 1400 would amend the Unruh Civil Rights Act to add sexual orientation, sexual identity, and marital status as prohibited bases of discrimination. Therefore, a business which treats an individual in an unfair manner, based on their sexual orientation, sexual identity, or marital status, would be subject to penalties.

The Unruh Civil Rights Act already protects people based on sex, race, color, religion, ancestry, national origin, disability, or medical condition. By including sexual orientation, gender identity, and marital status, AB 1400 expands the definition of "all persons" who would be protected by the law. If the bill is signed, gay, lesbian, bisexual, transgender, or married/unmarried individuals would be able to sue nonprofit organizations, retail stores, hospitals, public agencies, housing accommodations (except mobile home parks), and public agencies for unfair practices. These businesses are subject to out-of-pocket expenses or damages for emotional distress if they are deemed by the court to have acted in an illegal manner.

It is important to amend the Unruh Civil Rights Act to prohibit as many forms of discrimination as possible. Passage of AB 1400 costs the state no money. Instead, it benefits the citizens of the state by punishing business establishments that discriminate.

Opponents of the bill, such as the California Family Council, argue seriously that under this bill, "cross dressers must be entitled to 'full and equal accommodation' in all business establishments of every kind whatsoever. This could add an interesting addition to Chucky-Cheese birthday parties for children." The CFC adds that if this bill were passed, certain businesses could be sued for refusing to sell goods or services to nonprofit organizations whose "moral ideals" do not coincide with theirs.

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Women's Issue

Support Humane Care for Pregnant Inmates, Children

By Boyce Hinman, Chief Lobbyist

Two to four percent of women inmates in California's prisons were pregnant when they entered prison. Reports from Amnesty International and the San Francisco NOW Women in Prison Task Force tell of neglect in the healthcare of women prisoners.

In October 2000, the California Joint Committee on Prison Construction and Operations conducted a hearing that brought to light the shocking medical plight of women inmates at California facilities. For example, female inmates from the Central California Women's Facility reported being denied healthcare for serious conditions such as sickle cell anemia, Hepatitis C, and prenatal care. However, before any action could be taken, the California Joint Committee was disbanded and very little has changed in the healthcare of women prisoners.

The medical care of inmates of both sexes has become so bad that a federal judge has announced that the medical services program of our state prison system will be put under the direct supervision of a monitor appointed by the court.

Existing law directs the California Department of Corrections (CDC) to establish community treatment programs for women in state prisons who have children under the age of six. These programs provide for the release of the mother and child to a public or private facility in the community suitable to their needs.

This community treatment is limited to inmates who meet a set of standards designed to weed out the most dangerous inmates. Even so, inmates sent to these community health programs are often shackled. Some women have even been shackled while going through labor. Often the community treatment programs used by the prisons fail to meet minimum standards of care.

AB 478 by Sally Lieber (D–Mountain View) addresses a number of these problems. It requires community treatment programs for eligible pregnant inmates to provide, but not be limited to, prenatal care, access to prenatal

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HIV/AIDS Issue

Sign Bill for Clean-Needle Exchange Project

By Joy Fisher, Legislative Analyst

In 2004 the governor vetoed AB 2871, a bill that was nearly identical to AB 547, a clean-needle and syringe exchange bill by Patti Berg (D–Eureka). When vetoing last year's bill the governor said he would be willing to reconsider such a bill "if there are appropriate local control measures in place."

In his veto message, the governor stated, "It is imperative that local communities, public health officials, and local law enforcement are provided the opportunity to provide input to local leaders to ensure that the health benefits of a syringe-exchange program outweigh any potential adverse impact on the public welfare."

AB 547 contains language to meet these requirements. Specifically, the health officer of the participating jurisdiction must present a report annually at an open meeting of the board of supervisors or city council. The report must review the status of syringe-exchange programs including relevant statistics on blood-borne infections associated with needle-sharing activity.

At this open meeting, local public health officials, law enforcement, other stakeholders and the public are to be given the opportunity to provide input to local leaders to ensure that any potential adverse impacts of syringe-exchange programs are addressed.

Currently 14 cities and counties in California have authorized clean-needle and syringe-exchange projects (NEPs).

However, current law allows cities and counties to establish and operate NEPs only after the declaration of a local emergency. This declaration must then be renewed every two weeks by the board of supervisors or city council. This renewal process has put effective NEPs in a perilous state. One absent supervisor or city council member can make a well-funded NEP effectively "illegal" until the next declaration.

AB 547 would create the Clean Needle and Syringe Exchange Program. This bill would exempt public entities, their agents, and employees from criminal prosecution for

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September Legislative Update

September 9 is the final day that the Legislature meets this year. All bills to be passed this year must be passed by both houses of the Legislature and sent to the governor by that date. The governor then has until October 9 to decide whether to sign or veto the bills or let them become law without his signature.

Almost all bills passed and signed by the governor by the deadline become effective on January 1, 2006. Any bill, however, can become effective as soon as the governor signs it if two-thirds of each house of the state Legislature voted to have it take effect immediately. Also sometimes the Legislature will vote to have a bill become effective later than January 1, 2006. They do that when they think state government needs more time to prepare to do what is required by the bill.

The status of some bills listed below will say the bill is in the Appropriations Committee's suspense file. That usually means the bill is expected to cost the state more than $150,000. Votes on bills in the suspense file are usually put off until the deadline for getting bills out of the Appropriations Committee. This year that deadline was August 26. The deadline for submission of this list was prior to that date. So some of the bills below may still be listed in suspense even though they may have moved on by the time you are reading this. Here is the latest status report on the bills we have been working on.

HIV/AIDS Issues

AB 73 (Dario Frommer, D–Los Angeles)
Purpose: To establish the California Rx Prescription Drug Website Program, which would provide information to California residents about options for obtaining prescription drugs at affordable prices. This bill would require the website, at a minimum, to provide information about—and establish electronic links to—certain federal, state, and pharmaceutical programs, and pharmacies that are located in Canada, the United Kingdom, and Ireland that meet specified requirements.
Status: Approved by the Assembly. Sent to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 228 (Paul Koretz, D–West Hollywood)
Purpose: To prohibit a healthcare service plan and a health insurer from denying coverage for the costs of organ or tissue transplantation services on the basis that the enrollee, subscriber, insured, or policyholder is infected with HIV.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 547 (Patty Berg, D–Eureka)
Purpose: To allow local governments to establish and maintain clean needle and syringe exchange programs without having to declare a health state of emergency every two weeks.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 1142 (Mervyn Dymally, D–Compton)
Purpose: To establish a statewide African-American HIV/AIDS Initiative to address the disproportionate impact of HIV/AIDS on the health of African-Americans by coordinating prevention and service networks around the state and increasing the capacity of core service providers. The initiative would be implemented in five regional centers.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 1677 (Paul Koretz, D–West Hollywood)
Purpose: To require state prisons to allow nonprofits or healthcare agencies to distribute condoms and dental dams to prisoners in state prisons.
Status: Sent to the Senate Appropriations Committee suspense file.
LLP Position: Support.

LGBTI Issues

AB 12 (Chuck Devore, R–Irvine)
Purpose: To ask the California Law Revision Commission to study the feasibility of a law to provide that real property (such as a home) may be transferred to a beneficiary upon the death of the owner by recording, prior to the owner's death, a beneficiary deed signed by the owner of the property interest. Property transferred this way would not have to go through the long, expensive probate process.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

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AB 195 (Mervyn Dymally, D–Compton)
Purpose: When the State Personnel Board finds that a public employee (or an applicant for public employment) has been discriminated against by his or her employer in ways that are forbidden by state law, it may order that the employee be hired, reinstated, or upgraded with or without back pay and compensatory damages. Discrimination on the basis of sexual orientation or gender identity are among the prohibited forms of discrimination. This bill would permit the State Personnel Board to award attorneys fees to the complainant.
Status: Sent to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 220 (Mark Leno, D–San Francisco, Chair, Committee on Public Domestic Violence)
Purpose: To amend several codes' sections that refer to "battered woman syndrome" and change those references to "intimate partner battering." This bill would therefore help members of LGBTI couples who are subject to this battering.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 378 (Judy Chu, D–Monterey Park)
Purpose: All persons in California have the right to be free from any violence, or intimidation by threat of violence, because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute, or because another person perceives them to have any of those characteristics. Existing law allows an attorney general, district attorney, city attorney, or aggrieved individual to bring a civil action against any person who interferes by threats, intimidation, or coercion, with the exercise or enjoyment of an individual's rights. This bill would increase the statute of limitation for the initiation of such an action from one year to three years.
Status: Signed by the governor.
LLP Position: Support.

AB 723 (Judy Chu, D–Monterey Park)
Purpose: To require school districts to provide classes in tolerance for all the groups covered by California's hate crimes laws.
Status: Sent to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 849 (Mark Leno, D–San Francisco)
Purpose: To allow same-sex couples to obtain marriage licenses in California and to establish that no clergy or religious organization can be required to solemnize any marriage to which they have a religious objection. This bill was gutted and amended. It now contains the wording of AB 19 which died on the Assembly floor.
Status: Sent to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 866 (Leland Yee, D–San Francisco)
Purpose: Current law has a form statement that candidates for political office may sign on a voluntary basis. It is a pledge to engage in a fair and clean campaign. This bill would amend the pledge to include a statement that the candidate will not use, or permit to be used, any appeal to negative prejudice based on sexual orientation or gender identity.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 1400 (John Laird, D–Santa Cruz)
Purpose: To amend the Unruh Civil Rights Act to prohibit discrimination on the basis of familial status, marital status, and sexual orientation.
Status: Is awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 1586 (Paul Koretz, D–West Hollywood)
Purpose: To prohibit health insurance providers from refusing to insure transgender people.
Status: Made a two-year bill. No action will be taken on it until 2006. It missed the deadline for getting out of policy committee.
LLP Position: Support.

HR 16 (Loni Hancock, D–El Cerrito)
Purpose: To proclaim June 2005 as Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month. It urges Californians to celebrate the accomplishments and contributions of the LGBT community.
Status: Awaiting a vote on the Assembly floor. If approved by the Assembly it would go to the Senate.
LLP Position: Support if the date is changed to June 2006.

SB 300 (Sheila Kuehl, D–Los Angeles)
Purpose: To increase the circumstances under which an employer must allow an employee to take up to 12 weeks of unpaid leave to care for a seriously ill family member. The need to care for a domestic partner would be added to the list, among others.
Status: Sent to the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 565 (Carole Migden, D–San Francisco)
Purpose: To end the practice of reappraising (and raising the property taxes on) a home owned by two registered domestic partners when one of the partners dies. Would also end the practice of reappraising a home owned by one of them when the owner makes his or her co-owner a joint owner of the home.
Status: Sent to the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 973 (Sheila Kuehl, D–Los Angeles)
Purpose: To entitle employees of state and local governments (and school districts) who retired prior to January 1, 2001, to elect or change any optional retirement allowance, if specified criteria are satisfied. This would apply to their domestic partners too.
Status: Awaiting a final vote on the Assembly floor.
LLP Position: Support.

SJR 11 (Christine Kehoe, D–San Diego)
Purpose: To urge Congress and the president to adopt the Military Readiness Enhancement Act of 2005 (HR 1059), which institutes a policy of nondiscrimination based on sexual orientation, and to repeal the "Don't Ask, Don't Tell" policy.
Status: Awaiting a vote on the Senate floor. If approved by the Senate it would go to the Assembly.
LLP Position: Support.

People of Color Issues

AB 13 (Jackie Goldberg, D–Los Angeles)
Purpose: To prohibit, with certain exceptions, public schools from using the name "Redskins" as a school or team mascot, name, or nickname.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

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Legislative Update

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AB 15 (Jerome Horton, D–Inglewood)
Purpose: To encourage schools to include a discussion of the contributions of Filipinos to the war effort during World War II.
Status: Awaiting a final vote on the Senate floor. If approved there, it will have to return to the Assembly for concurrence with changes made in the Senate.
LLP Position: Support.

AB 22 (Sally Lieber, D–San Jose)
Purpose: To establish the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor for sexual servitude, both punishable as felonies. This bill would also require restitution to trafficking victims. It would also require the Attorney General to make fighting human trafficking a high priority.
Status: Sent to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 74 (Mike Gordon, D–El Segundo)
Purpose: To establish the California Prescription Telephone Drug Hotline, which would provide information to consumers and health-care providers about options for obtaining prescription drugs at affordable prices. People would call a low-cost (maximum 50 cents) toll phone number.
Status: Made a two-year bill. No action will be taken until 2006.
LLP Position: Support if amended to make the hotline available through a toll-free number.

AB 75 (Dario Frommer, D–Los Angeles)
Purpose: To establish the California Rx Plus State Pharmacy Assistance Program, which would provide low-cost drugs to low-income Californians. This bill would authorize the state to negotiate drug rebate agreements with drug manufacturers to provide for program drug discounts. Would authorize any licensed pharmacy or drug manufacturer to provide services under the program.
Status: Made a two-year bill. No action will be taken until 2006.
LLP Position: Support.

AB 76 (Dario Frommer, D–Los Angeles)
Purpose: To establish the Office of Pharmaceutical Purchasing within the California Health and Human Services Agency with authority and duties to purchase prescription drugs for state agencies. This bill would authorize the office to negotiate the lowest prices possible for prescription drugs.
Status: Referred to the Senate Appropriations Committee suspense file.
LLP Position: Watch over concerns whether this is the most efficient way to reduce costs and also ensure that all necessary medications are available to patients.

AB 77 (Dario Frommer, D–Los Angeles)
Purpose: To establish a pilot project requiring the Department of Corrections to contract with outside agencies to provide healthcare services, including medications, to prison inmates. The purpose of the pilot project would be to see if it would reduce the department's costs.
Status: Referred to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 124 (Mervyn Dymally, D–Compton)
Purpose: To require each state agency to establish an equal opportunity program to ensure that the state policy of providing equal access to state jobs, work assignment, training, and other employment-related opportunities for all qualified job applicants and employees—based on merit and nondiscrimination in every aspect of personnel policies and employment practices—is fully implemented. It would require the State Personnel Board to collect employment data based on race, disability, ethnicity, and gender.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 368 (Noreen Evans, D–Santa Rosa)
Purpose: To require the state and counties to provide various welfare-to-work services and childcare services, maintain a safety net for children, encourage and assist family stability and unity, and assist and serve eligible legal aliens.
Status: Made a two-year bill. No action will be taken until 2006.
LLP Position: Support.

AB 379 (Noreen Evans, D–Santa Rosa)
Purpose: To allow the following activities to be counted toward the 20-hours-per-week core activity requirement of the CalWORKs program: satisfactory progress in a secondary school or in a course of study leading to a certificate of general education development, vocational education and training, secondary school or general educational development, or other activities necessary to assist an individual in obtaining unsubsidized employment.
Status: Referred to the Senate Appropriations Committee. Probably will be voted on August 22.
LLP Position: Support.

AB 432 (Jenny Oropeza, D–Long Beach)
Purpose: To increase the number of places and the time in which new citizens may register and vote. Also reduces the time before election day they must have become a citizen in order to register and vote.
Status: Approved by the Assembly. Failed in the Senate Elections Committee. The right to ask for reconsideration was granted.
LLP Position: Support.

AB 477 (Joe Baca, D–San Bernardino)
Purpose: To require the department to establish a four-year pilot project that would authorize certain individuals, who are not financially eligible to receive in-home supportive services, to purchase those services. The bill would require the pilot project to be conducted in three counties that consent to participate, and would require the department to develop eligibility guidelines for individuals who purchase services under the pilot project
Status: Referred to the Senate Appropriations Committee. Probably will be voted on August 22.
LLP Position: Support.

AB 482 (Loni Hancock, D–Berkeley)
Purpose: To require that certain limited-English students take an achievement test in English and then again in their native language.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Watch.

AB 680 (Wilma Chan, D–Oakland)
Purpose: Current law requires school districts with large language minority student populations to translate, into that minority language, all reports, notices, statements, and other documents sent to parents or guardians of those students. This bill would require the State Board of Education to monitor compliance with this law.
Status: Awaiting a final vote on the Senate floor. **LLP Position:** Support.

AB 775 (Leland Yee, D–San Francisco)
Purpose: To prohibit any state or local governmental agency, or any public or private agency that receives state funding, from using any child, or permitting any child to be used, as an interpreter, as defined, in any hospital, clinic, or physician office in the context of diagnosis and treatment, except as specified.

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Status: Made a two-year bill. No action will be taken until 2006.
LLP Position: Support.

AB 855 (Karen Bass, D–Los Angeles)
Purpose: To provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKs or food stamp benefits if he or she meets certain conditions of eligibility. Does not apply to drug dealers or those who persuade minors to be drug dealers.
Status: Referred to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 1338 (Joe Nation, D–San Rafael)
Purpose: To require that a dependent child of the court who is not a citizen of the United States and for whom the court has determined parental reunification is no longer an option, be provided an attorney specializing in immigration law who may pursue special immigrant status or any other avenue to obtain legal permanent resident status or citizenship for that child.
Status: Referred to the Senate Appropriations Committee suspense file.
LLP Position: Support.

ACA 6 (Mark Wyland, R–Vista)
Purpose: To amend the state constitution to prohibit the state from issuing any driver's license or state identification card, providing in-state tuition or fees for postsecondary education, granting any voting privileges, or providing any health, social, or other state or local public benefit to any person who is neither a citizen of the United States nor any alien lawfully present in the United States, unless the privilege, service, or the benefit is required by federal law.
Status: Failed in the Assembly Judiciary Committee.
LLP Position: Oppose.

ACAX1 4 (Rick Keene, R–Chico)
Purpose: To amend the state constitution to require that reductions be imposed automatically on all General Fund appropriations enacted on or before the date of a proclamation by the governor that the state's income and expenses are significantly out of balance. The amounts of the cuts would be by a percentage estimated by the Director of Finance to cause total General Fund appropriations not to exceed General Fund revenues by the end of that fiscal year. The cuts would go into effect 45 days after the proclamation unless state legislators pass legislation to address the problem prior to that 45-day deadline.
Status: Referred to the Assembly Budget Process Committee. No hearing date set yet.
LLP Position: Oppose. Arbitrary, statewide cuts to all programs could be devastating to vital programs.

AJR 1 (Rudy Bermudez, D–Bellflower)
Purpose: To memorialize the president and Congress to urge the Citizens' Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor Dr. Dalip S. Saund, an outstanding immigrant from India. This bill would encourage Californians to celebrate his birthday each year.
Status: Signed by the governor.
LLP Position: Support.

AJR 2 (Noreen Evans, D–Santa Rosa)
Purpose: To memorialize the president and Congress to honor the contributions of Filipino-American war veterans and direct the federal government to immediately pay promised veterans' benefits as the first order of business of the 109th Congress.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

SB 23 (Carole Migden, D–San Francisco)
Purpose: To require the Employment Development Department to send informational brochures on the Healthy Families and Medi-Cal programs to employers for distribution to their employees. This bill would establish a system to allow employees to have the family contribution payments for healthcare coverage under the Healthy Families Program deducted from the employee's pay and transmitted to the state. This bill would require the state to do outreach and marketing on the Healthy families program and Medi-Cal to enroll more qualified participants.
Status: Sent to the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 60 (Gilbert Cedillo, D–Los Angeles)
Purpose: To allow certain undocumented immigrants to obtain drivers licenses in California. These licenses would permit them to drive legally. They would not be legal for identification purposes or for entering a federal building or an airplane.
Status: Sent to the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 112 (Deborah Ortiz, D–Sacramento)
Purpose: The state Department of Social Services distributes funds from the federal Refugee Act of 1980 to the counties in California. These funds pay for employment-related and English language training programs to immigrant refugees in those counties. Currently the money is divided up by percentages of refugees on public assistance in each county. If 10% of the refugees statewide, who are on public assistance, live in County A, County A gets 10% of the funds. This bill would require the state in allocating Refugee Employment Services money to distribute the funds based on differential weights for refugees based on the length of time they have resided in the United States.
Status: Sent to the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 388 (Charles Poochigian, R–Fresno)
Purpose: To establish a one-year, pilot program to disseminate information regarding current prison penalties for the personal use of a firearm during the commission of certain felonies. Counties and cities would be invited to apply for funds.
Status: Awaiting a final vote on the Assembly floor.
LLP Position: Probably support, pending naming of the jurisdictions.

SB 645 (Joe Dunn, D–Santa Ana)
Purpose: To create the Commission on the Unconstitutional Deportation of American Citizens during the 1930s. The bill would require the commission to gather facts regarding the removal and coerced emigration to Mexico of United States citizens and legal residents of Mexican descent between 1929 and 1944. Private donations would be solicited and the commission would not begin work until it is determined that sufficient private donations have been received. The bill would also establish the 1930s Reparations Fund in the General Fund, which would allow people who were wrongly forced out of the country during that time to seek damages in court.
Status: Referred to the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 670 (Joe Dunn, D–Santa Ana)
Purpose: To express the apology of the State of California to those individuals who, from 1929

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Legislative Update

Continued from page 7

to 1944, were illegally deported, or coerced into emigrating, to Mexico as a result of the Mexican Repatriation Program, and to require that a plaque be placed and maintained in a public place to commemorate this event.
Status: Approved by the Assembly Appropriations Committee. Sent to the full Assembly for a final vote in that house.
LLP Position: Support.

SB 840 (Sheila Kuehl, D–Los Angeles)
Purpose: To make all California residents eligible for specified healthcare benefits under the California Health Insurance System, which would, on a single-payer basis, negotiate for or set fees for healthcare services provided through the system and pay claims for those services.
Status: Made a two-year bill. No action will be taken until 2006.
LLP Position: Support.

SCR 18 (Jim Battin, R–La Quinta)
Purpose: To proclaim November 2005 as California Indian Heritage Month, encourage its observance with activities that celebrate our uniqueness as Americans, and commend California Indian nations for their outstanding contributions to this state.
Status: Signed by the governor
LLP Position: Support.

SCR 22 (Jim Battin, R–La Quinta)
Purpose: To proclaim September 15 to October 15, 2005, inclusive, as California Hispanic Heritage Month, and encourage all Californians to observe this event in communities throughout the state.
Status: Signed by the governor.
LLP Position: Support.

Women's Issues

AB 21 (Lloyd Levine, D–Van Nuys)
Purpose: To require that a pharmacist dispense prescription drugs and devices in a timely way unless to do so would violate the pharmacist's moral views or when the pharmacist views the prescription to be illegal or contraindicated for the patient. This bill prescribes the conditions under which the pharmacist may refuse to dispense the prescribed item.
Status: Failed in Senate Health Committee. Author can ask for a new vote later.
LLP Position: Oppose unless language allowing pharmacists to refuse to sell contraceptives is removed from the bill.

AB 48 (Sally Lieber, D–San Jose)
Purpose: To increase the minimum wage to $7.25 per hour, effective on and after July 1, 2006, and to $7.75 per hour, effective on and after *July 1*, 2007. It would provide for the automatic adjustment of the minimum wage on January 1 of each year thereafter, calculated by multiplying the minimum wage by the previous year's rate of inflation.
Status: Referred to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 70 (Bill Maze, R–Visalia)
Purpose: To require the Department of Motor Vehicles to provide a new set of license plates to a registered owner of a vehicle who provides certain evidence of having been the victim of rape or sexual battery.
Status: Signed by the governor.
LLP Position: Support.

AB 99 (Rebecca Cohn, D–Campbell)
Purpose: To provide that restraining orders issued in domestic violence cases may have a duration of not more than five years (up from three years in current law) by the discretion of the court.
Status: Signed by the governor.
LLP Position: Support.

AB 112 (Rebecca Cohn, D–Campbell)
Purpose: To require the courts to order priority for the enforcement of certain protective orders issued by the court. Priority would be given when an emergency protective order is issued based on the belief that there is imminent danger to the person or persons being protected. Also people being restrained by the order would be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect.
Status: Signed by the governor.
LLP Position: Support.

AB 114 (Rebecca Cohn, D–Campbell)
Purpose: To provide that when a defendant is accused of child abuse in a criminal action, evidence of the defendant's prior acts of domestic violence may be admitted to prove the defendant's conduct.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Watch.

AB 169 (Jenny Oropeza, D–Carson)
Purpose: To increase the penalties for employers who pay women less than men for the same work and to mandate the types of damages employees should recover if they are successful in bringing a civil action against their employer for willful violations of pay equity law.
Status: Approved by Senate Judiciary Committee. Referred to the Senate Appropriations Committee for a vote on August 22.
LLP Position: Support.

AB 322 (Jenny Oropeza, D–Long Beach)
Purpose: To enact the Athletes Bill of Rights and enumerate the rights available to a pupil relating to gender equity in athletics. The bill would require the State Department of Education to post the bill of rights on its website and require a school district that elects to offer competitive or club sports to its pupils to print and post posters setting forth the bill of rights in several locations in schools.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 429 (Judy Chu, D–Monterey Park)
Purpose: To make several changes to law which increase the chances that a protective order, resulting from workplace violence or domestic violence, are promptly served on the accused.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 478 (Sally Lieber, D–San Jose)
Purpose: Prison inmates who give birth in prison may be declared eligible for a community treatment program. This bill would require that community treatment program to include prenatal care, access to prenatal vitamins, childbirth education, and infant care. This bill would also require the Department of Corrections to establish minimum standards for pregnant inmates who are not eligible for the program, including necessary nutrition and vitamins, information and education, and regular dental cleanings.
Status: Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 755 (Hector De La Torre, D–South Gate)
Purpose: To require employers to pay employees for any rest period mandated by

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statute, regulation, or order of the Industrial Wage Commission. Would provide that the rate of pay for the rest periods of piece-rate workers in the agricultural and garment industries shall be the average piece-rate wage, defined and limited as specified. The bill would also provide that an employee working on a piece-rate basis who suffers injury as a result of the failure of an employer to pay required wages for rest periods shall be entitled to recover his or her unpaid average piece-rate wage for each rest period in any pay period in which a violation occurred.
Status: Referred to the Senate Appropriations Committee Suspense file.
LLP Position: Support.

AB 813 (Joe Baca, D–San Bernardino)
Purpose: To require the State Department of Health Services to provide information to consumers, patients, and healthcare providers regarding women's heart health risks, including signs, symptoms, risk factors, importance of prevention, early detection through appropriate diagnostic testing, and treatment options.
Status: Referred to the Senate Appropriations Committee suspense file.
LLP Position: Support.

AB 855 (Karen Bass, D–Los Angeles)
Purpose: To provide that, with certain exceptions, a person convicted of drug-related felonies shall be eligible to receive CalWORKs benefits if he or she meets certain conditions of eligibility. This law would not apply to a person who has been convicted of unlawfully transporting, importing into this state, selling, furnishing, administering, giving away, possessing for sale, purchasing for purposes of sale, manufacturing a controlled substance, possessing precursors with the intent to manufacture a controlled substance, or cultivating, harvesting, or processing marijuana or any part thereof pursuant to Section 11358 of the Health and Safety Code.
Status: Referred to the Senate Appropriations Committee suspense file.
LLP Position: Support.

ACR 2 (Rebecca Cohn, D–Campbell)
Purpose: To proclaim the month of October 2005 as Domestic Violence Awareness Month.
Status: Referred to the Assembly Rules Committee.
LLP Position: Support.

AJR 3 (Rebecca Cohn, D–Campbell)
Purpose: To petition the president and Congress to protect and uphold the intent and substance of the Supreme Court decision in Roe *v.* Wade, relating to reproductive rights, and to encourage all Americans to participate in the national celebration, "The March for Women's Lives," in recognition of that decision's historic importance in promoting women's rights.
Status: Approved and sent to Congress and the president.
LLP Position: Support.

SB 23 (Carole Migden, D–San Francisco)
Purpose: To require the Managed Risk Medical Insurance Board to create a pamphlet with information about the Healthy Families Program and Medi-Cal. The bill would require the Employment Development Department to notify employers who would be required to provide the notice to their employees. This bill would also require the board to establish processes that would allow an employer to elect to allow employees to have the family contribution payments for healthcare coverage under the Healthy Families Program deducted from the employee's pay and transmitted to the board by the employer, or to have the contribution payments transferred from a designated financial institution to the board.
Status: Referred to the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 180 (Sheila Kuehl, D–Los Angeles)
Purpose: To require hospital-based training centers to train medical personnel on how to perform medical evidentiary examinations for victims of human trafficking, and to develop guidelines for the reporting and management of it. The bill would also require that peace officers be trained in identifying signs of human trafficking.
Status: Sent to the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 493 (Sheila Kuehl, D–Los Angeles)
Purpose: To authorize a CalWORKs recipient to receive aid during a transitional period of three cumulative months during the individual's lifetime without participating in the Cal-Learn Program as a full-time student if the participant works with a Cal-Learn case manager to find an appropriate educational program that supports the needs of the participant.
Status: Placed in the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 615 (Liz Figueroa, D–Fremont)
Purpose: To require the state to do an education campaign aimed at promoting the awareness of Human Papillomavirus (HPV) and its link to cervical cancer. The program would be supported by private donations or appropriations by the legislature.
Status: Approved by the Assembly Health Committee. Placed in the Assembly Appropriations Committee suspense file.
LLP Position: Support.

SB 644 (Deborah Ortiz, D–Sacramento)
Purpose: To require that a pharmacist dispense prescription drugs and devices in a timely way unless to do so would violate the pharmacist's moral views or when the pharmacist views the prescription to be illegal or contraindicated for the patient. This bill prescribes the conditions under which the pharmacist may refuse to dispense the prescribed item.
Status: Awaiting a final vote on Assembly floor.
LLP Position: Support if moral and ethical reasons, as reason for refusing to dispense birth control pills, is removed from the bill. Religious objections would be the only valid reason.

SB 720 (Sheila Kuehl, D–Los Angeles)
Purpose: To authorize a district attorney or city attorney to initiate and pursue a court action for contempt against a party for failing to comply with a court order entered pursuant to the Domestic Violence Protection Act. The bill would require any attorney's fees and costs ordered against a party in contempt of the above provision to be paid to the Office of Emergency Services for the purpose of funding domestic violence shelter service providers. The bill would also require the courts to tell the police about contempt rulings in these cases.
Status: Sent to the Assembly inactive file. On hold waiting for related bills to catch up to it.
LLP Position: Support.

Domestic Partner Act

Continued from page 1

The Court reversed a lower court ruling that had granted summary judgment against the plaintiffs without a trial on the merits. The case will now go back to a lower court for trial.

What Was at Issue

At issue in the case was a bylaw of the Bernardo Heights Country Club in San Diego (BHCC), which extended membership benefits to a member's "legal spouse." This permitted members to play golf on the country club's course with their spouses on an unlimited basis without paying additional fees.

The Supreme Court ruling capped a long struggle by the plaintiff to get equal treatment for her longtime lesbian partner despite this bylaw.

The suit was brought by plaintiff B. Birgit Koebke, an avid golfer. Koebke purchased a membership in BHCC in 1987 for $18,000. In 1993, she began a lesbian relationship with Kendall French, also an avid golfer. However, in 1995, when Koebke asked BHCC's board of directors to permit her to designate French as her "significant other" to enable them to golf together on the same basis as married couples, the board rejected her request. An appearance before the board in 1998 also resulted in rejection.

In 2000, Koebke wrote the board again, stating that she and French had "filed domestic partnership" with the State of California. She attached a copy of the filing, repeating her request for equal treatment. The board once again rejected the request. In 200l, Koebke received a letter from BHCC's attorney that stated:

"The board of directors recognizes the State of California's strong public policy favoring marriage and believes that BHCC supports that policy as a family-oriented organization."

After this letter, Koebke filed suit.

The Court's Reasoning

BHCC's reliance on the state's "strong public policy favoring marriage" proved to be ironic in light of the Court's ruling. This was because the Supreme Court based its ruling on the intent of the Legislature, in enacting the Domestic Partner Law, to establish a strong public policy to protect and promote family relationships of registered domestic partners.

The Court limited its ruling to the new Domestic Partner Act, which went into effect January 1, 2005. However, it noted that the plaintiffs could seek to prove intentional discrimination for earlier years.

Even the Court of Appeals had noted that there was evidence that BHCC did not apply its "facially neutral policy" in an impartial manner. There was evidence that unmarried, heterosexual members of BHCC were granted membership privileges to which they were not entitled, while plaintiffs were denied such privileges.

The Supreme Court therefore concluded that plaintiffs should be allowed to try to establish that, prior to 2005, BHCC's spousal benefits policy was discriminatorily applied in violation of the Unruh Act.

Just the Beginning

The Supreme Court ruling is just the beginning of the story, not the end. It clears the way for trial of the case on its merits.

In her deposition, Koebke stated that the board's denial of spousal benefits to her partner was actually motivated by its fear that "it would open the flood gates" to homosexuals and BHCC would become known as "gay friendly," which a member of the board communicated to her was not "a desire or direction of the club."

Now she'll have a chance to prove it.

For its part, BHCC has already expressed its intention to argue at the trial that BHCC is not a "business" and therefore not subject to regulation under the Unruh Act at all.

The First of Many

Regardless of the final outcome of this case, the Supreme Court ruling bodes well for the rights of registered domestic partners who deal with businesses that afford special treatment to spouses but not to them.

For instance, in its discussion, the Court closely examined its earlier decision in a case involving an insurance company that refused to give a gay male couple an umbrella policy for a single premium. It made such policies available only to married couples. In that 1992 case, Beaty *v.* Truck Ins. Exchange, the Court ruled against the gay couple.

In the Koebke case, the Court justified the decision in Beaty on the basis that the new Domestic Partner Act was not then in effect. If Beaty and partner were registered under the new Domestic Partner Act (and, who knows, they may well be) and the Beaty case were brought today, the Court would now rule in their favor. Insurance companies, do you hear what I'm saying?

There are thousands of businesses in California, many of which have afforded various kinds of special rates or benefits to spouses that they denied to registered domestic partners. There are more than 25,000 gay and lesbian couples who have registered as domestic partners under the new Domestic Partnership Act.

Many steps can be taken in many directions, thanks to this one Supreme Court ruling—and they all lead toward equality!

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Seeking Clarity in Marriage Issue

Continued from page 1

Then Attorney General Bill Lockyer asked the State Supreme Court to bypass the Court of Appeal and review Kramer's decision immediately. However, on August 10 the Supreme Court refused to do that. So the case will be heard by the Appeals Court, which will issue a decision, probably months from now. Their decision will likely be appealed to the California Supreme Court.

While all this has been going on, Mark Leno introduced a bill to change the law. First he introduced AB 19 which would have allowed same-sex couples to get marriage licenses in California. If that bill had passed, it would have ended the court case described above. We would have won. AB 19 was approved by two Assembly committees but failed, by just four votes, on the Assembly floor.

So then Leno took AB 849, which was approved by the Assembly and sent to the Senate, gutted AB 849 of its original language, and inserted the language of AB 19 into AB 849. This bill was approved by the Senate Judiciary Committee. It was then heard by the Senate Appropriations Committee on August 15. However, that committee put off a final vote on the bill until sometime during the week of August 22. Our lobbyists are cautiously optimistic that AB 849 will be approved by the Appropriations Committee and then the full Senate. If that happens, the bill would go back to the Assembly for their agreement with the changes made to the bill in the Senate. If they agree, same-sex couples will have won the right to marry.

However, three initiatives to amend California's constitution to permanently ban same-sex marriage have been approved for signature gathering. To qualify their initiatives for the ballot, supporters must get 598,105 valid signatures by December 27, 2005. They seem likely to succeed. If so, the initiatives would go on the March 2006 election ballot.

If even one of those initiatives is approved by the voters, same-sex couples will have permanently lost the right to marry in California. Neither the court case mentioned above, nor the legislation introduced by Mark Leno, would make any difference. Defeating the initiatives is going to be expensive and it will take hard work. If you care about same-sex marriage, I urge you to get involved!

Health Message for Women

Continued from page 1

death combined—about 500,000 women's lives a year—about one death every minute. Heart disease and stroke are striking women at a younger age, and the risk increases in women after menopause.

Risk factors for heart disease include high blood pressure, high cholesterol, diabetes, smoking, being overweight, being physically inactive, age (especially after age 50), and having a family history of early heart disease.

Only 13 percent of women report that heart disease and stroke are their greatest health risk. So most women don't know the true risk they face from heart disease. To prevent this disease they must be educated. I hope our women members will take this message seriously.

HIV/AIDS Issue

Continued from page 4

distributing needles or syringes as part of a locally authorized clean-needle and syringe project without a declaration of a local emergency.

Instead, a NEP could be established by the action of a county board of supervisors and local health officer or health commission of that county; the city council, mayor, and local health officer of a city with a health department; or the city council and mayor of a city without a health department.

The bill would also require cities and counties that establish NEPs, in consultation with the California Department of Health services, to authorize the exchange of clean hypodermic needles and syringes as recommended by the US Secretary of Health and Human Services. The program would be part of a network of comprehensive services, including treatment services, to combat the spread of HIV and blood-borne hepatitis infections, subject to the availability of funding.

AB 547 would also exempt providers and participants from criminal prosecution for possession of needles or syringes during participation in the NEP.

Injection drug users are the second largest group at risk of becoming infected with HIV/AIDS and they are the primary source of heterosexual, female, and perinatal transmission in California.

Please urge the governor to sign this important bill into law.

People of Color Issue

Continued from page 3

served in America's armed forces during World War I, with or without legal immigration status, did not understand this sudden need for legal documentation. The sweeps rounded up people based on the color of their skin, resulting in both naturalized citizens and US-born citizens being sent to Mexico.

The Depression hit the immigrant communities exceptionally hard. Work was difficult to find and businesses feared hiring anyone of Mexican descent. Many localities passed anti-immigrant laws restricting employment to legal residents only, threatening jail time for those who hired anyone who was not a "real American." It was far simpler to give fair-skinned Americans preference than worry about checking documentation.

While the welfare rolls grew rapidly with Americans in need of assistance, those of Mexican descent found it difficult—and in some cases illegal—to apply for aid. They had worked years to add to the wealth of the United States only to find their adopted country abandoning them when they needed help.

Special "Mexican bureaus" were established in cities to help localities round up people of Mexican descent for deportation or to exclude them from the welfare rolls. Those who applied for public assistance found themselves easy targets for deportation or, in the case of US citizens, expatriation.

The deportation and expatriation programs of the 1930s were a cruel twist of fate for those who either lived in the United States for years, were born in the US, bore children in this country, served in the US military, or worked for low wages, accepting jobs that many fair-skinned Americans refused to take. People of Mexican descent were an easy target for America's economic problems and racist tendencies.

The rights guaranteed by the US Constitution were abandoned in the drive to send them south of the border, a precursor to the more well-documented relocation of Japanese-Americans to detention camps a mere decade later. This was a cruel injustice.

SB 670 by Joseph Dunn (D-Garden Grove) begins to address this injustice by expressing the apology of the State of California for its part in that injustice. It is similar to the apology made by Congress for the injustice the United States did to Japanese-Americans during World War II.

Also known as the Apology Act for the 1930s Mexican Repatriation Program, SB 670 is a good bill. Please write to the governor and urge him to sign it into law.

LGBTI Issue

Continued from page 3

This kind of mentality is precisely why we must have laws in place protecting each individual from discrimination. Some businesses might feel they cannot, for moral reasons, serve lesbians, gays, bisexuals transgenders or the intersexed. However, their decision to do business imposes certain obligations upon them. Restaurants, for example, must abide by certain health and sanitation laws. All businesses must abide by the minimum wage laws. The point of AB 1400 is that businesses must provide their services to all people without arbitrary discrimination. It is just one more obligation of doing business.

Please ask Governor Schwarzenegger to stand up for civil rights by signing this bill into law. California should be a place where business are prohibited from discriminating against any class of people.

Women's Issue

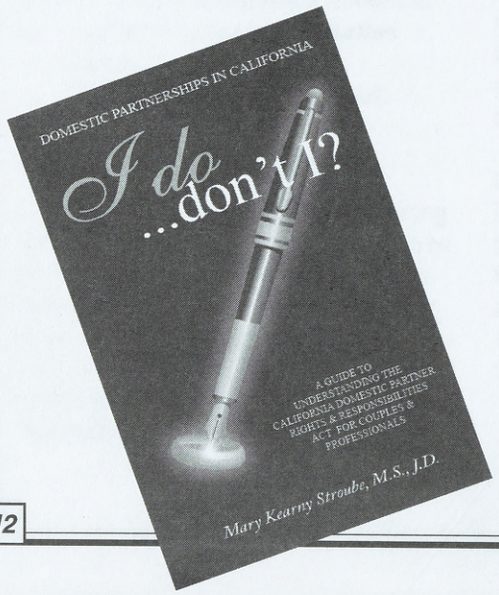
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vitamins, childbirth education, and infant care. It also requires that pregnant inmates be transported to a hospital outside the prison in the least restrictive way possible. It prohibits shackling pregnant inmates by the wrists or ankles during labor, which includes, but is not limited to, transport to a hospital, delivery, and recovery.

AB 478 also establishes minimum standards of healthcare for pregnant inmates who are otherwise ineligible for community treatment programs to include the following:

- A balanced, nutritious diet approved by a doctor
- Prenatal information and healthcare including, but not limited to, access to necessary vitamins, as recommended by a doctor
- Information pertaining to childbirth education and infant care
- Regular dental cleanings

AB 478 is good legislation that deserves our support. Please write to the governor and urge him to sign this important bill into law.



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